



UNITED STATES PATENT AND TRADEMARK OFFICE

3723
P-3925-1
8/5/02
14/3

APPLICANT: MARTIN CULLEN
FOR: TILE WET SAW WITH OUTWARDLY DIVERGING CUTTING MODE
SERIAL NO.: 09/864,350
FILED: May 25, 2001
EXAMINER: Maurina T. Rachuba, Primary Examiner, Art Unit 3723

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

This is in reply to the Office Action of 7/11/2002.

In the Office Action, the examiner unfortunately had not received applicant's COMMUNICATION BEFORE OFFICE ACTION which was mailed on July 9, 2002. It would be appreciated if this communication was considered since it addressed the issue of the applicability of In Re Casey and In Re Otto which applicant point out was reversed, on the point for which they were cited, by the more recent 1998 decision by the Board of Patent Appeals and Interferences in Ex parte Hervy A. Morris, a copy of which is herewith enclosed for the Examiner's convenient reference.

In further response to the rejection under 35 U.S.C. 102(b) based on Sigitich et al., please enter additional claim 2 which implements what the examiner "agrees that the method of operation of Sigitich et al. may differ from applicant's method of operation, but such

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